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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Burkina Faso

Legal framework and definition of discrimination

1. The Committee notes the adoption of Act No. 033-2012/AN of 11 June 2012 amending the Constitution and enshrining, in article 101 of the Constitution, the promotion of gender equality (CEDAW/C/BFA/7, para. 24).[1] In the light of the ongoing constitutional reform process, please provide information on the steps taken to incorporate into the Constitution or into other appropriate legislation an explicit prohibition of discrimination on the ground of sex as well as a definition of discrimination against women, encompassing direct and indirect discrimination in both the public and the private spheres, in line with articles 1 and 2 (b) of the Convention, as previously recommended by the Committee (see CEDAW/C/BFA/CO/6, para. 10) and in accordance with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.

Visibility of the Convention and the Optional Protocol

2. Please provide information on training and awareness-raising programmes undertaken by the State party to familiarize women, government ministries, parliamentarians, the judiciary and non-governmental organizations with the Convention, the Optional Protocol and the Committee's general recommendations (CEDAW/C/BFA/CO/6, para. 12).

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.

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Access to justice

3. The State party reports that a legal aid fund was established in 2013 and is expected to meet the needs of women who are victims of gender-based violence (para. 166). Please provide the Committee with updated data on the number of women who have had access to legal aid and legal representation in court proceedings, for all complaints of discrimination. Please also provide information as to whether the State party is envisaging a revision of the policy that allows expenses borne by the State party in court proceedings to be refunded to it from the amount of monetary compensation awarded to the plaintiff, as it may have an adverse impact on women with low incomes with regard to their filing complaints (see CEDAW/C/BFA/CO/6/Add.1, para. 38). Please further inform the Committee about programmes to build the capacity of law enforcement officers, police officers, judges and prosecutors in relation to the Convention, the Optional Protocol and the Committee's general recommendations.

4. The Committee notes the adoption, on 24 March 2016, of the Act on the National Human Rights Commission, with a view to strengthening its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the promulgation of its implementing decree on 13 May 2016. Please provide information on its composition, the scope of the Commission's mandate, and work undertaken thereunder to enhance women's awareness of their rights and ability to claim those rights (see CEDAW/C/BFA/CO/6, para. 16). Please also provide age-disaggregated data on the number of women who are detained, indicating the grounds for and conditions of their detention.

National machinery for the advancement of women

5. Please provide the outcome of any assessment of progress made by the newly reorganized Ministry for the Advancement of Women and Gender Equality (para. 27) to effectively coordinate the work carried out to promote gender equality and the full implementation of the Convention across all sectors and levels in the State party (see CEDAW/C/BFA/CO/6, para. 14). Please provide details on the human, technical and financial resources allocated to ensure the achievement of its mandate. Please also inform the Committee of any training provided to technical staff in charge of budgeting at the national and local levels on how to establish gender-sensitive budgets (see ibid.).

6. Please provide: (a) information on the progress achieved and obstacles encountered in the implementation of the national gender policy, adopted by Decree No. 2009-672 of 7 October 2009, and the related action plan (2011-2013); (b) updated information on the human, technical and financial resources allocated to implement the policy and action plan; and (c) information as to whether the State party envisages adopting a new action plan following the expiry of the action plan in 2013 (para. 34).

Temporary special measures

7. Please provide details on the numerical objectives and timelines of the initiatives referred to in paragraphs 37 to 43 of the State party's report, implemented

to address the underrepresentation of women in all areas of public, political and professional life (see CEDAW/C/BFA/CO/6, paras. 18 and 30). Please explain whether these initiatives are linked to a gender mainstreaming strategy in all public programming with the stated objective of accelerating the achievement of substantive equality between men and women.

Stereotypes and harmful practices

8. Reference is made in the report to several activities undertaken by the State party to modify or eliminate negative practices and patriarchal stereotypes that are harmful to and discriminate against women (paras. 45-50). Please inform the Committee as to whether these initiatives are linked to a comprehensive strategy, with measurable goals and timelines, implemented to tackle the link between women's subordination within the family and society and the perpetration of violence against women and, in particular, domestic violence, as well as women's limited educational and employment opportunities (CEDAW/C/BFA/CO/6, para. 20). Please indicate whether an evaluation of the impact of these activities has been undertaken. Please provide details on the sanctions imposed on the perpetrators of female genital mutilation (see CEDAW/C/BFA/CO/6, para. 26).

Gender-based violence against women

9. The Committee notes the adoption, on 6 September 2015, of Law No. 061-2015/CNT on prevention and punishment in respect of violence against women and girls and reparation and care for victims. Please provide, pursuant to this Act: (a) data on the number of cases brought before the courts, the nature of the violations, the investigations opened, where sanctions were applied and the remedies provided to the victims; (b) information on the mechanisms established and work undertaken to date to draw up and evaluate and monitor the implementation of a national strategy and action plan to combat violence against women and girls and to provide protection and support to victims (see CEDAW/C/BFA/CO/6/Add.1, paras. 31-34); and (c) a timeline for amending article 14 (2), which does not criminalize marital rape unless it is committed repeatedly or when a partner is physically unable to engage in sexual intercourse, and which, in addition, is sanctioned only by a fine.

10. The Committee has been informed about serious allegations of human rights violations, including sexual violence, committed by armed groups, including the Presidential Guard, during the political crisis of 2014-15. Please inform the Committee as to whether the State party has conducted thorough and independent investigations into these serious allegations. Please further provide details of the outcome of any such investigations, including where prosecution was initiated, the nature of sanctions imposed on those found guilty and the remedies provided to the victims. Please additionally update the Committee on the response of the national council, established in January 2016, and of the two commissions of inquiry to these allegations.

11. The State party reports that in 2012 an initial draft of a law was prepared to revise the Criminal Code concerning family violence, family ostracism of girls on grounds of extramarital pregnancy or rejection of forced marriage, social exclusion on grounds of

witchcraft, spousal rape, and sexual harassment (see CEDAW/C/BFA/CO/6/Add.1, paras. 24-26). Please provide an update on the status of this draft law.

Trafficking and exploitation of prostitution

12. As requested at the time of previous review, please provide the Committee with information on: (a) the coordinating mechanisms in place to reinforce the implementation of Act No. 029-2008/AN of 15 May 2008 on combating trafficking in persons and related practices; (b) the formulation and implementation of a national plan of action against trafficking that would ensure the prosecution and punishment of offenders and enhance the legal and psychosocial assistance and reintegration initiatives necessary for victims of trafficking; and (c) the results of the study on trafficking in persons carried out by the Ministry of Social Action and National Solidarity in 2013 (para. 63; see also CEDAW/C/BFA/CO/6, para. 28).

13. Please provide updated data, disaggregated by sex and age, on the extent and forms of trafficking and the exploitation of prostitution and provide details on any cases of prosecution and punishment of perpetrators of trafficking in women and girls, as well as the protection measures and reparations provided to the victims. Please also indicate the existence of social services, and any assistance made available to women wishing to leave prostitution.

Participation in public and political life and decision-making

14. The Committee notes the adoption of Act No. 010-2009 of 16 April 2009, which establishes a minimum 30 per cent quota for the representation of either sex on the candidate lists for legislative and municipal elections, and the accompanying financial incentives (paras. 37 and 66). It also notes, however, the absence of an implementing decree and the weak impact of the Act on the representation of women in elected positions, which, following elections in November 2015, stands at 11 per cent in the parliament. Please provide information on what measures the State party is taking: (a) to increase the penalties for non-compliance with this law; (b) to harmonize its provisions and those of article 154 of the Electoral Code (Law No. 005-2015/CNT of 7 April 2015), the latter requiring only the representation of one man or woman on the candidate lists; and, (c) to accelerate the full and equal participation of women in public and political life at all levels and in international representation (see CEDAW/C/BFA/CO/6, para. 30).

Education

15. The Committee notes the adoption, in 2012, of the national strategy for the acceleration of girls' education (para. 38). Please provide details on the outcome of any evaluation of this strategy and to what extent it has addressed the previous concerns of the Committee on increasing girls' access to education throughout the State party (see CEDAW/C/BFA/CO/6, para. 31). Please inform the Committee as to: (a) whether all costs relating to basic education, including hidden costs such as dues paid to parent-teacher associations, have been eliminated; (b) the outcome of any evaluation of the effectiveness of the national council for the prevention of school violence (para. 99); and (c) whether human rights and gender equality have been incorporated into training and educational material (see CEDAW/C/BFA/CO/6, para. 32).

Employment

16. The State party informed the Committee that its Constitution, Personal and Family Code and Labour Code contain various provisions in support of women's work and vocational training and that such provisions related to discrimination, sexual harassment, dismissal, equal pay and sanctions for non-compliance (para. 107). Please provide details on these provisions and how they are enforced such that victims of gender-based discrimination and sexual harassment in the workplace may seek redress (see CEDAW/C/BFA/CO/6, para. 34). Please provide sex-disaggregated data on the number of such cases brought forward, the nature of violations, the investigations opened, where sanctions were applied and the remedies provided to the victims. Please update the Committee on revisions envisaged to the State party's policy concerning women's ineligibility to receive family benefits or parenthood deduction from the single tax on wages and salary, which are automatically granted to the father (para. 109). Please further inform the Committee about the time frame envisaged for the ratification of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Health

17. Please inform the Committee about progress made in: (a) repealing articles 383 to 390 of the Criminal Code criminalizing abortion; (b) eliminating the procedural obstacles that effectively hinder access to legal abortion in cases of rape or incest, namely, to obtain a judicial decision recognizing the criminal act and to limit the performance of an abortion in such cases to within the first 10 weeks of gestation; (c) developing clear guidelines for health-care providers to improve the accessibility and availability of safe abortion and post-abortion services; (d) raising awareness of access to legal abortion and the provision of post-abortion care in all cases; and (e) increasing the availability of and access to sexual and reproductive health information and services throughout the State party, including by combating stigma regarding women's use of contraception (see CEDAW/C/BFA/CO/6, para. 40).

18. Please clarify whether the strategic plan for mental health includes as a specific objective measures to address women's mental health issues, including psychosocial counselling for women and girls suffering from trauma, severe stress and other behavioural and mental health problems (para. 124). Please provide the Committee with sex-disaggregated data on the reported cases dealt with by the mental health service (see CEDAW/C/BFA/CO/6, para. 38). Please further provide information on specialized care provided to women and girls with disabilities, in particular those living in rural areas.

Social and economic benefits

19. Please indicate whether gender equality is an explicit component of the State party's national and local development programmes (see CEDAW/C/BFA/CO/6, para. 36). Please provide the outcome of any assessment of the effectiveness of the Unit of Support for Women's Entrepreneurship and the Burkina Faso Financing and Interbank Guarantee Company in reducing poverty and increasing access to credit for women throughout the State party (para. 42).

Rural women

20. Please inform the Committee about the existence of gender-sensitive rural development strategies and programmes with the full participation of rural women in the formulation and implementation thereof (see CEDAW/C/BFA/CO/6, para. 44, general recommendation No. 34 (2016) on the rights of rural women). Please inform the Committee about the measures in place to raise awareness of and enforce women's right to have 30 per cent of land earmarked for development (para. 157). Please provide details of the complaint mechanisms available to women who face discrimination in their right to access, ownership, utilization and inheritance of land and the number of cases brought forward, the nature of violations, the investigations opened, where sanctions were applied and the remedies provided to the victims.

Older women and widows

21. Please update the Committee on the status of the draft act on the promotion and protection of the rights of older persons and the timeline for its adoption (para. 60). Please specify whether the draft act specifically addresses the precarious situation of older women and guarantees their access to health and social services, protects their rights to assets and inheritance and provides a complaint mechanism to ensure that victims of discrimination can claim their rights under the act (see CEDAW/C/BFA/CO/6, para. 46). Please inform the Committee about the mechanism to monitor the implementation of the national action plan to combat social exclusion of persons accused of witchcraft (2012-2016) (para. 59) and the outcome of any assessment of its effectiveness. Please further provide details of programmes in place to change traditional views regarding older women and widows with a view to combating all forms of discrimination and violence against them.

Equality in marriage and family relations

22. Please provide the Committee with a timeline for repealing all discriminatory provisions in the Personal and Family Code as identified in the study commissioned by the Government in December 2012 to repeal all provisions of the Code that are unfavourable to women, inter alia, articles 257-262 on polygamy, 294 on choice of domicile and 741 on inheritance (see CEDAW/C/BFA/CO/6/Add.1, para. 50). Please provide the Committee with a time frame for the amendment of article 238 of the Code to ensure that this provision applies to all forms of marriage, including civil, religious or customary marriage; and to impose sanctions on the perpetrators of child and early marriage (see CEDAW/C/BFA/CO/6, para. 50). Please update the Committee on the time frame for the adoption of a personal and family code that will standardize the minimum legal age of marriage at 18 years for both men and women. Please inform the Committee as to whether the national strategy on the prevention and elimination of child marriage (2016-2025), adopted in November 2015, provides victims of child and early marriage with access to shelters, health and psychosocial support, as well as legal counsel to pursue complaints.